

MALANI L. KOTCHKA
Nevada Bar No. 283
MALANI L. KOTCHKA, LLC
520 South Fourth Street, Suite 320
Las Vegas, NV 89101
Phone: 702-834-7445
Fax: 725-203-2413
mlk@malanilkotchka.com

*Attorney for Defendants
Black Canyon Construction
And Western National Mutual
Insurance Company*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BOARD OF TRUSTEES OF THE
CONSTRUCTION INDUSTRY AND
LABORERS HEALTH AND WELFARE
TRUST; THE BOARD OF TRUSTEES OF
THE CONSTRUCTION INDUSTRY AND
LABORERS JOINT PENSION TRUST; THE
BOARD OF TRUSTEES OF THE
CONSTRUCTION INDUSTRY AND
LABORERS VACATION TRUST; and THE
BOARD OF TRUSTEES OF THE SOUTHERN
NEVADA LABORERS LOCAL 872
TRAINING TRUST,

Plaintiffs,

v.

WILDHORSE INVESTMENTS, INC. dba
BLACK CANYON CONSTRUCTION, a
Nevada corporation; WESTERN NATIONAL
MUTUAL INSURANCE COMPANY, a
Minnesota corporation,

Defendants.

Case No.: 2:23-cv-01122-APG-MDC

**STIPULATION AND ORDER
REGARDING DATE FOR
DEFENDANTS TO RESPOND TO
FIRST AMENDED COMPLAINT**

[SECOND REQUEST]

Plaintiffs Board of Trustees of the Construction Industry and Laborers Health and
Welfare Trust; the Board of Trustees of the Construction Industry and Laborers Joint Pension

1 Trust; the Board of Trustees of the Construction Industry and Laborers Vacation Trust; and the
2 Board of Trustees of the Southern Nevada Laborers Local 872 Training Trust (“Laborers Joint
3 Trust Funds”) and Defendants Wildhorse Investments, Inc. dba Black Canyon Construction
4 (“Black Canyon”) and Western National Mutual Insurance Co. (“Western National”), by and
5 through their undersigned counsel, hereby stipulate that Western Mutual tendered its defense to
6 Black Canyon on April 23, 2024. As a result, the parties agree that: (1) Black Canyon’s and
7 Western National’s Motion to Dismiss or Alternatively, Motion for Summary Judgment shall be
8 due on May 27, 2024; (2) The Laborers Joint Trust Funds’ Opposition shall be due on June 24,
9 2024; (3) Black Canyon’s and Western National’s reply brief shall be due on July 15, 2024.

11 This second request for an extension of time is not for the purposes of delay but to
12 facilitate a briefing schedule now that Western National has tendered its defense to Black
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Canyon.

Dated this 24th day of April, 2024.

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

MALANI L. KOTCHKA, LLC

By: /s/ Christopher M. Humes
Christopher M. Humes (SBN 12782)
William D. Nobriga (SBN 14931)
100 North City Parkway
Suite 1600
Las Vegas, NV 89106
Tel 702-382-2101
Fax 702-382-8135
chumes@bhfs.com
wnobriga@bhfs.com


By: /s/ Malani L. Kotchka
Malani Kotchka (SBN 0283)
520 South Fourth Street, Suite 320
Las Vegas, NV 89101
Tel 702-834-7445
Fax 725-203-2413
mlk@malanilkotchka.com

Attorneys for Plaintiffs

Attorney for Defendants

ORDER

IT IS SO ORDERED.



United States Magistrate Judge

Dated: 5-1-24